

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter)

of)

Michael R. Linder,)
Applicant)
_____)

Case No. 2005-05

MAR 08 2005

ORDER OF REINSTATEMENT

Now on this 8th day of March, 2005, the above referenced matter comes before the Kansas Board of Pharmacy on Michael R. Linder's application for reinstatement of a pharmacist license. Applicant Michael R. Linder appears in person. Randall J. Forbes, attorney at law, appears on behalf of the Board of Pharmacy.

The Board takes notice of the November 30, 2001 Final Agency Order issued by the Board in which Applicant's license was revoked.

The Board also takes notice of the March 9, 2004 Final Agency Order in which Applicant's request for reinstatement was denied.

After hearing testimony of Applicant, Applicant's wife Kerri Linder, and friend Marion B. Cathcard, and considering the factors set out in *Vakas v. Kansas Board of Healing Arts*, 23 Kan.App.2d 889, the Board finds that Applicant's license as a pharmacist should be reinstated on certain conditions.

IT IS THEREFORE ORDERED that Applicant's license to practice as a pharmacist shall be reinstated on the following conditions:

1. Applicant shall remain in the Committee on Impaired Pharmacist Practice (CIPP) program for impaired professionals for 5 years from March 8, 2005.
2. Applicant shall remain under care of the Horizons Mental Health Center for 3 years from March 8, 2005, or until released by the treating physician.

3. Additionally, for 5 years from March 8, 2005, Applicant shall not work alone when employed as a pharmacist, including pharmacy consulting work.

4. Additionally, Applicant shall not serve as a pharmacist in charge for 5 years from March 8, 2005.

5. Additionally, should Applicant violate or fail to comply with any of the above terms and conditions as established at a hearing for which Applicant has received notice, Applicant's license shall be revoked.

IT IS SO ORDERED.

Jeffrey D Thompson, RPh
President, Kansas Board of Pharmacy

Notice of Relief

Please be advised that this is a final agency action that may be appealed by filing a petition for judicial review with the appropriate district court as provided in the Kansas Act for Judicial Review, K.S.A. 77-601 *et. seq.* The agency officer who may receive service of a petition for judicial review on behalf of the Kansas Board of Pharmacy is Debra L. Billingsley, 900 SW Jackson, Suite 560, Topeka, Kansas 66611-1231.

Certificate of Service

This is to certify that on the 21 day of March, 2005, a true and correct copy of the foregoing ORDER OF REINSTATEMENT was deposited in the U.S. mail, first class postage prepaid, addressed to:

Michael R. Linder
607 E. 39th
Hutchinson, Kansas 67503

and

Randall J. Forbes
555 S. Kansas Ave., Suite 303
P.O. Box 639
Topeka, Kansas 66601-0639

Debra L. Billingsley
Executive Director
Kansas Board of Pharmacy